

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-EIGHTH LEGISLATURE

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**NINETY-THIRD LEGISLATIVE DAY**  
**TUESDAY, APRIL 11, 2006**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Burkett, Coiner, Gannon, Little, Schroeder, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Katie Twiggs, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 10, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

April 10, 2006

Mr. President:

I transmit herewith Enrolled **HCR 63** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **HCR 63** and ordered it returned to the House.

April 10, 2006

Mr. President:

I return herewith Enrolled **S 1482**, as amended, **S 1492**, as amended, and **SCR 132** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1482**, as amended, and **S 1492**, as amended, were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

**SCR 132** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

April 10, 2006

Mr. President:

I return herewith **S 1404**, as amended in the House, which has passed the House.

JUKER, Chief Clerk

On request by Senator Davis, granted by unanimous consent, **S 1404**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

Senators Coiner, Gannon, Little, Schroeder, and Sweet were recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

Call of the Senate was requested by Senators Davis, Stegner, and Little.

Whereupon the President Pro Tempore ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present.

On request by Senator Little, granted by unanimous consent, the Call was lifted.

The President Pro Tempore announced that the House amendments to **S 1404**, as amended in the House, were before the Senate for consideration as to possible concurrence in the House amendments.

Moved by Senator Little, seconded by Senator Stennett, that the Senate reject the House amendments to **S 1404**, as amended in the House.

Roll call vote was requested by Senators Keough, McGee, and Werk.

The question being, "Shall the Senate reject the House amendments to **S 1404**, as amended in the House?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Corder, Darrington, Davis, Gannon, Geddes, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Moeller (Hill), Richardson, Schroeder, Stegner, Stennett, Werk. Total - 25.

NAYS--Brandt, Broadsword, Compton, Fulcher (Fulcher), Goedde, Jorgenson, Keough, Pearce, Sweet, Williams. Total - 10.

Total - 35.

Whereupon the President Pro Tempore announced that the Senate had rejected the House amendments to **S 1404**, as amended in the House, and the bill was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

#### **Reports of Standing Committees**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 11:20 a.m. until the hour of 1:30 p.m. of this day.

#### **RECESS AFTERNOON SESSION**

The Senate reconvened at 1:30 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senators Andreason, Brandt, Burkett, Goedde, Keough, and Langhorst, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

April 11, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 132** was delivered to the Office of the Secretary of State at 11 a.m., April 11, 2006.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### **Messages from the Governor**

April 10, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1425**, as amended in the House, and **S 1480**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

#### **Messages from the House**

April 11, 2006

Mr. President:

I return herewith **S 1243**, as amended, **S 1247**, and **S 1429** which have passed the House.

JUKER, Chief Clerk

**S 1243**, as amended, **S 1247**, and **S 1429** were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

#### **Reports of Standing Committees**

April 11, 2006

The JUDICIARY AND RULES Committee reports that **S 1243**, as amended, **S 1247**, and **S 1429** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1243**, as amended, **S 1247**, and **S 1429**, and ordered them transmitted to the House for the signature of the Speaker.

April 11, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1482**, as amended, and **S 1492**, as amended, were delivered to the Office of the Governor at 1:35 p.m., April 11, 2006.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1502**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO PROPERTY TAX FUNDING MAINTENANCE AND OPERATIONS OF PUBLIC SCHOOLS AND REPLACEMENT FUNDS; STATING LEGISLATIVE FINDINGS, SUBMITTING AN ADVISORY VOTE TO THE ELECTORS, DIRECTING THE SECRETARY OF STATE AND ATTORNEY GENERAL TO PERFORM SPECIFIED DUTIES, STATING THE QUESTION TO BE SUBMITTED, DECLARING THE ADVISORY QUESTION A MEASURE, AND MAKING APPLICABLE CERTAIN PROVISIONS GOVERNING ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES; AND DECLARING AN EMERGENCY.

**S 1502** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

**Reports of Standing Committees**

April 11, 2006

The JUDICIARY AND RULES Committee reports that **S 1502** has been correctly printed.

DARRINGTON, Chairman

**S 1502** was referred to the State Affairs Committee.

April 11, 2006

The STATE AFFAIRS Committee reports out **S 1502** with the recommendation that it do pass.

BURTENSHAW, Chairman

**S 1502** was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1502** were suspended, and the portions of Section 15, Article 3,

of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1502** was read the second time by title and the third time at length, section by section, and put upon its final passage.

**S 1502** was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Moeller (Hill), Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **S 1502** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

**Messages from the House**

April 11, 2006

Mr. President:

I transmit herewith Enrolled **H 421**, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 421**, as amended in the Senate, and ordered it returned to the House.

April 11, 2006

Mr. President:

I return herewith Enrolled **S 1243**, as amended, **S 1247**, and **S 1429** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1243**, as amended, **S 1247**, and **S 1429** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

April 10, 2006

Mr. President:

I return herewith **S 1501**, as amended in the House, which has passed the House.

JUKER, Chief Clerk

On request by Senator Little, granted by unanimous consent, **S 1501**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

The Senate advanced to the Tenth Order of Business.

### **Motions and Resolutions**

The President Pro Tempore announced that the House amendments to **S 1501**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1501**, as amended in the House?"

On request by Senator Little, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1501**, as amended in the House.

**S 1501**, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

### **Reports of Standing Committees**

April 11, 2006

The JUDICIARY AND RULES Committee reports that **S 1501**, as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

**S 1501**, as amended in the House, was filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### **Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials**

**S 1501**, as amended in the House, by State Affairs Committee, was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

### **Second Reading of Bills**

#### **Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1501**, as amended in the House, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1501**, as amended in the House, was read the second time by title and the third time at length, section by section, and put upon its final passage.

**S 1501**, as amended in the House, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Burtenshaw, Little, Pearce, Williams.  
Total - 5.

NAYS--Andreason, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Moeller (Hill), Richardson, Schroeder, Stegner, Stennett, Sweet, Werk.  
Total - 30.

Total - 35.

Whereupon the President Pro Tempore declared that **S 1501**, as amended in the House, had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Eighth Order of Business.

### **Messages from the Governor**

On request by Senator Davis, granted by unanimous consent, the President Pro Tempore appointed a committee consisting of Senator Lodge, Chairman and Senators Coiner and Burkett to escort the committee from the House of Representatives, consisting of Representatives Cannon, Bastian, and Sayler, into the Senate Chamber. The House committee informed the President Pro Tempore and the members of the Senate that the House of Representatives had completed its business and was ready to adjourn *Sine Die*.

The Senate committee was discharged.

April 11, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1487 and S 1484**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

### Messages from the House

April 11, 2006

Mr. President:

I transmit herewith **H 854** which has passed the House.

JUKER, Chief Clerk

**H 854** was filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 854** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 854** was read the first time by title, the second time by title, and the third time at length, section by section, and put upon its final passage.

**H 854** was read the first time by title, the second time by title, and the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Moeller (Hill), Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 34.

NAYS--Williams. Total - 1.

Paired and voting included in roll call:

AYE - Werk      NAY - Williams

Total - 35.

Whereupon the President Pro Tempore declared **H 854** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

**H 851** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Moeller (Hill), Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 34.

NAYS--None.

Absent and excused--Werk. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 851** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

### Reports of Standing Committees

April 11, 2006

The STATE AFFAIRS Committee reports out **HJM 26** with the recommendation that it do pass.

BURTENSHAW, Chairman

**HJM 26** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of **HJM 26** were suspended and the memorial was placed before the Senate for consideration at this time.

The President Pro Tempore announced that **HJM 26** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Little, seconded by Senator Stennett, **HJM 26** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On request by Senator Davis, granted by unanimous consent, the President Pro Tempore appointed a committee consisting of Senator Williams, Chairman, and Senators Compton and Marley to notify the House of Representatives that the Senate had completed its business and was ready to adjourn *Sine Die*.

The President Pro Tempore excused the committee.

On request by Senator Davis, granted by unanimous consent, the President Pro Tempore appointed a committee consisting of Senator Bunderson, Chairman, and Senators Burtenshaw, Brandt, and Langhorst to notify the Governor that the Senate had completed its business and was ready to adjourn *Sine Die*.

The President Pro Tempore excused the committee.

The committee appointed to wait upon the Governor returned and reported that it had delivered the President Pro Tempore's message. The committee conveyed the Governor's message to the President Pro Tempore and the members of the Senate.

The President Pro Tempore thanked and discharged the committee.

The committee appointed to wait upon the House of Representatives returned and reported that it had delivered the President Pro Tempore's message. The committee conveyed the Speaker's message to the President Pro Tempore and the members of the Senate.

The President Pro Tempore thanked and discharged the committee.

On request by Senator Davis, granted by unanimous consent, the Sergeant at Arms was ordered to retrieve the Idaho State flag that had been raised over the Senate Dome during the Second Regular Session of the Fifty-eighth Legislature of the State of Idaho.

On motion by Senator Davis, seconded by Senator Marley, by voice vote the Senate of the Second Regular Session of the Fifty-eighth Legislature of the State of Idaho adjourned *Sine Die* at 8:32 p.m., April 11, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary

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[Note: The following is action recorded after Senate *Sine Die*:]

April 11, 2006

Enrolled **H 854**, **H 851**, and **HJM 26** were received from the House, signed by the President Pro Tempore, and returned to the House.

April 11, 2006

Enrolled **S 1243**, as amended, **S 1247**, and **S 1429** were delivered to the Office of the Governor at 11:25 a.m., April 12, 2006.

April 12, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1482**, as amended, **S 1492**, as amended,  
**S 1493**, **S 1494**, **S 1495**, **S 1496**, **S 1497**,  
**S 1498**, **S 1499**, and **S 1500**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

April 14, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1243**, as amended, **S 1247**, **S 1429**,  
**S 1441**, as amended, as amended in the House,  
**S 1462**, and **S 1491**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

**CERTIFICATE**

State of Idaho                                 )  
  )  
Senate Chamber, Boise, Idaho         )

We, JAMES E. RISCH, President of the Senate, and JEANNINE WOOD, Secretary of the Senate, do hereby certify and attest as follows:

That the daily Senate Journal of the proceedings of April 11, 2006, the Ninety-third Legislative Day, has been read and approved;

And, said Journal contains a true, complete, and accurate record of all Senate proceedings of said day, including final actions by the House of Representatives and the Governor of the State of Idaho, as statutorily mandated.

IN WITNESS WHEREOF, we have hereunto set our hand this 20th day of April, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

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